

HUGHES HUBBARD & REED LLP
A New York Limited Liability Partnership
101 Hudson Street, Suite 3601
Jersey City, New Jersey 07302-3918
Phone: (201) 946-5706
Fax: (212) 299-6860
Attorneys for Defendant
Novartis Pharmaceuticals Corporation

FILED
APR 22 2009
Jonathan N. Harris
J.S.C.

IN RE ZELNORM® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 280

CIVIL ACTION

CASE MANAGEMENT ORDER #3

1. This Order is effective as of April 22 2009.
2. On or before April 17, 2009, Novartis Pharmaceuticals Corporation ("NPC") will begin producing responsive and non-privileged custodial files, consisting of (to the extent they exist) hard copy, hard drive and email documents, for the following NPC employees or former employees:

Arlene Adoff
Michael Beck
Jessica Colon
Jeffrey Kralstein
John Cuomo
Cathy Downey
Mike Fraser
Mark Iwicki
Steve Leeds
Sven Myer
Mike Nanfita
Greg Novello
Michael Paradiso
Greg Scholfield

These documents will be produced on a rolling basis, as they are ready, with all production to be complete by May 30, 2009. Any depositions of these witnesses will be complete by August 30, 2009.

3. By April 22, 2009, plaintiffs' counsel will notify defense counsel of up to four additional NPC employees for document production. These persons' responsive and non-privileged custodial files, consisting of (to the extent they exist) hard copy, hard drive and email documents, will be produced by July 30, 2009. If NPC's counsel anticipates a problem with this schedule once the custodians have been identified and it is ascertained how many documents need to be reviewed, the parties will meet and confer on the subject. Any depositions of these witnesses will be complete by October 31, 2009.

4. All plaintiffs listed in Schedule A to CMO 1 will be produced for deposition, along with their spouse if requested by NPC counsel, by May 30, 2009 to the extent feasible, but in no event later than June 19, 2009.

5. Depositions of all fact witnesses, to the extent not otherwise specified herein, shall be completed no later than October 31, 2009 in those cases listed in Schedule A to CMO 1.

6. Plaintiffs' counsel may identify one to two NPC sales representatives, and one district manager and regional manager, for deposition in each case listed in Schedule A to CMO 1. No district or regional manager, in such capacity, will be deposed more than one time. Plaintiffs' counsel will give NPC counsel at least six weeks' notice before each of these depositions, and NPC counsel will produce the person's responsive and non-privileged custodial file, consisting of (to the extent they exist) hard copy, hard drive and email documents, no later than two weeks before the deposition is to occur. If NPC determines that the document volume will make this

schedule infeasible, in general or for specific people, the parties will reconsider these notice and production periods.

7. Plaintiffs' counsel reserves the right to identify up to three additional NPC employees beyond those contemplated herein, for custodial file production or deposition. NPC counsel reserves the right to object to this discovery.

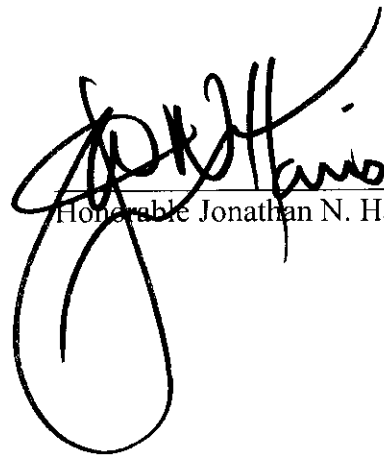
8. The form of Plaintiff's Fact Sheet that was annexed to CMO 2 shall be applicable to all actions in the instant litigation except (a) for those 27 actions listed in Schedule A to CMO 1; (b) where plaintiffs already have provided fully responsive responses to Defendant's Request for Production and Interrogatories; or (c) where mutually waived. Except where provided in (a) through (c) all Plaintiffs in cases currently filed in Bergen County shall serve on Defendant's counsel fully responsive responses to the Plaintiff's Fact Sheet no later than thirty (30) days following service of Defendant's Answer to the Complaint.

9. Annexed hereto is a Defendant's Fact Sheet that shall be applicable to all actions in the instant litigation. For the 27 actions listed in Schedule A to CMO 1, many of the documents called for by the Defendant's Fact Sheet already have been produced. Fully responsive Defendant's Fact Sheets shall be served in these cases by May 30, 2009. In all cases where a Plaintiff's Fact Sheet will be served, per the preceding paragraph, fully responsive Defendant's Fact Sheets shall be served 60 days after the receipt of a fully responsive Plaintiff's Fact Sheet, subject to the fact that a large volume of cases were filed at approximately the same time in March of 2009, and that volume could render the 60 day deadline impossible to comply with if all of those Plaintiffs' Fact Sheets are received at the same time. In that event, counsel will meet and confer on the issue. In any other case where a PFS will not be served, but plaintiff already has

served fully responsive answers to Defendant's Requests for Production and Interrogatories, fully responsive Defendant's Fact Sheets will be served by June 30, 2009.

10. To the extent feasible, the parties will proceed to depose the plaintiffs, their treating doctors, and other fact witnesses for the additional cases on Schedule Z. In particular, to the extent feasible, plaintiffs 28 – 37 on this list will be produced for deposition, along with their spouse if requested by NPC counsel, no later than August 30, 2009.

Dated: APRIL 22, 2009



Honorable Jonathan N. Harris, J.S.C.

ZELNORM
DEFENDANT FACT SHEET

For each Plaintiff from whom it received a substantially complete and verified Plaintiff Fact Sheet ("PFS") and substantially complete authorizations, Defendant Novartis Pharmaceuticals Corporation (NPC) must complete this Defendant Fact Sheet ("DFS"). NPC shall serve a complete and verified DFS and responsive documents on Plaintiff's counsel of record and Plaintiff's lead counsel within sixty (60) days after receipt. NPC shall attach additional sheets of paper, if necessary, to completely answer the following questions:

I. PLAINTIFF INFORMATION

This Defendant Fact Sheet pertains to the following Plaintiff:

- A. Plaintiff's Full Name:
- B. Case Caption:
- C. Civil Action No.:

II. CONTACTS WITH PRESCRIBING HEALTH CARE PROVIDER

In the PFS, Plaintiff identified person(s) who prescribed Zelnorm to Plaintiff (hereinafter "prescribing healthcare provider"). For each prescribing healthcare provider identified, state the following:

- A. Samples: For each prescribing healthcare provider, please state to your knowledge whether NPC ever provided him or her Zelnorm samples. If the answer is "yes," please provide the following information if available:

- 1. State the number of Zelnorm samples provided to the prescribing healthcare provider and the dosages provided.

RESPONSE:

- 2. State the date(s) that they were provided to the prescribing healthcare provider.

RESPONSE:

- 3. State the identity of the person or persons who provided the samples.

RESPONSE:

4. Produce a copy of any document reflecting or memorializing Zelnorm samples provided to Plaintiff's prescribing healthcare provider.

RESPONSE:

B. Other Contacts

1. For each prescribing healthcare provider identified, please provide the following information relating to contacts regarding Zelnorm between any NPC sales representatives or "detail persons" and that provider of which you have knowledge:
 - a. Identify each sales representative or detail person who visited each prescribing healthcare provider.

RESPONSE:

- b. Provide the date of each contact between each sales representative or detail person and each of Plaintiff's prescribing healthcare providers.

RESPONSE:

2. For each sales representative or "detail person" identified, please identify each Regional Manager and District Manager to which the sales representative or detail person reported during the time he or she detailed Zelnorm.

RESPONSE:

3. For each sales representative, district manager, or regional manager that is identified in response to sections II.B.1.a, and II.B.2, above, who has also been noticed for deposition by the Plaintiff, please provide the custodial file (consisting of the hard copy, hard drive and email documents, to the extent they exist) of each such individual noticed, relating to Zelnorm.

Plaintiffs will provide such notice of deposition at least six weeks in advance of the deposition date, and NPC will produce the above-referenced custodial file for such individuals no later than two weeks in advance of the deposition.*

RESPONSE:

* Both parties reserve the right to adjust these identified notice and production deadlines if determined such deadlines are not feasible in general or for specific cases.

III. CONSULTING WITH PLAINTIFF'S PRESCRIBING HEALTH CARE PROVIDER

- A. In the PFS, Plaintiff identified his or her prescribing healthcare provider(s). If you have ever paid or provided consideration to any of Plaintiff's prescribing healthcare providers on the subject of Zelnorm as a "key opinion leader," a member of NPC speaker program for Zelnorm, or as a member of a NPC advisory board relating to Zelnorm, please state:

1. The identity of the prescribing healthcare provider.

RESPONSE:

2. The dates the prescribing healthcare provider was so affiliated with NPC.

RESPONSE:

3. Each expense, honoraria and fees paid to the prescribing healthcare provider, if available.

RESPONSE:

- B. To your knowledge, has Plaintiff's prescribing healthcare provider ever contacted you to request information concerning Zelnorm, its indications, effects and/or cardiovascular or other risks?

Yes _____ No _____

If your answer is "yes," please identify the healthcare provider who contacted you, the date(s) of the contact, and the substance of any such requests. Please also identify and attach any document which is related or otherwise refers to the communication by Plaintiff's prescribing healthcare provider regarding Zelnorm.

RESPONSE:

- C. To your knowledge, has Plaintiff's prescribing healthcare provider ever attended a conference or seminar sponsored by NPC relating to Zelnorm, excluding CME or events for which NPC provided an unrestricted educational grant?

Yes _____ No _____

IV. PLAINTIFF'S MEDICAL CONDITION

- A. To your knowledge have you been contacted by Plaintiff regarding Zelnorm, other than in connection with the present lawsuit?

Yes _____ No _____

If your answer is "yes," please state:

1. The subject of the communication

RESPONSE:

2. Please produce a copy of any documentation of each communication.

RESPONSE:

- B. Please produce a copy of any adverse event report information which refers or relates to the Plaintiff, including backup documentation concerning Plaintiff and any evaluation you did concerning Plaintiff.

RESPONSE: